

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CICERO SERVICE STATION, INC.,

Plaintiff,

MEMORANDUM AND ORDER

-against-

04-CV-2186 (ENV)

SUNOCO, INC. (R&M),

Defendant.

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

The Court is in receipt of yet another *ex parte* letter, dated January 4, 2007, from Nicholas Cicero, Sr. (“Mr. Cicero Sr.”). In that 11-page letter, Mr. Cicero Sr. requests that the Court vacate its order of October 24, 2006 (“10/24/06 Order”) and review and docket Mr. Cicero Sr.’s letter of October 19, 2006 to plaintiff’s counsel, Daniel Abrams, Esq.

As an initial matter, any request for reconsideration should have been filed within 10 days after the docketing of the 10/24/06 Order. See Local Civil Rule 6.3. Mr. Cicero Sr.’s latest application is thus untimely by more than two months.

In any event, the Court adheres to its 10/24/06 Order. Although Mr. Cicero Sr. claims that his most recent letter is on behalf of plaintiff Cicero Service Station (“CSC”), he does not dispute that he is no longer a principal of that entity, which is represented by Mr. Abrams. Mr. Cicero Sr. therefore has no right to control CSC’s litigation strategy.

Mr. Cicero Sr.'s application is denied.

The Clerk is directed to enter this Order into the ECF system and to mail a copy to

Mr. Cicero Sr.

SO ORDERED.

**Dated: Brooklyn, New York
January 8, 2007**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**

Copies mailed to:

Nicholas Cicero, Sr.
Cicero's Service Center Inc.
1650 Forest Avenue
Staten Island, NY 10302